

REMARKS

Claim 1 has been amended to more particularly define Applicant's claimed invention. Claims 23 and 24 have been added to more particularly define Applicant's claimed invention. Basis for the addition of claims 23 and 24 can be found at original claim 1.

The rejection of claims 1-13, 21 and 22 under 35 U.S.C. 103(a) as being unpatentable over Zurecki et al. (US 5,738,281) in view of Nowotarski et al. (US 5,486,383) and the admitted state of the prior art is respectfully traversed.

In view of the amendment of claim 1 and the arguments below, this rejection is deemed improper and should be withdrawn.

The Board noted in the decision as follows:

"The transitional term "comprising" opens claim 1 to include any manner of other steps and additional materials, such as heating the shielding gas to increase exit standoff. See, e.g., *In re Baxter*, 656 F.2d 679, 686 (CCPA 1981) (the term "comprises" permits the *inclusion* of other steps, elements, or materials")."

The Board further notes in the decision as follows:

"Nowotarski further teaches that the particular shielded plasma thermal spray devices taught therein provide better standoff and thermal properties of the shielded effluent compared to other shielded plasma thermal spray devices. This reference recognizes the temperature effect of heated shielding gas on standoff and the effect of increased flow of the shielding gas on standoff. Thus, we are of the view that one of ordinary skill in this art would have recognized that Nowotarski's shielded plasma thermal spraying devices can be used to apply ceramic coatings to complex surfaces with a larger standoff parameter than would be achieved with other shielded thermal spray devices, and thus of non-shielded thermal spray devices, and that the standoff parameter can be further improved by increasing the temperature and amount of the shielding gas."

Amended claim 1 no longer contains the "comprising" language and is thus not open to include other steps such as heating the shielding gas to increase exit standoff. Likewise, newly added claims 23 and 24 do not contain "comprising" language and are not open to include other steps such as heating the shielding gas to increase exit standoff.

The rejection of claims 1-13, 21 and 22 under 35 U.S.C. 103(a) as being unpatentable over Zurecki et al. (US 5,738,281) in view of Nowotarski et al. (US 5,486,383) and Taylor et al., "Experience with MCrAl and thermal barrier coatings produced via inert gas shrouded plasma deposition" is respectfully traversed.

In view of the amendment of claim 1 and the arguments for the above rejection, this rejection is also deemed improper and should be withdrawn.

It is respectfully submitted that the rejections of record are improper and that the application is in condition for allowance. Accordingly, reconsideration and allowance of all claims are courteously solicited.

A response to the decision of the Board of Patent Appeals and Interferences decided November 29, 2007 is due January 29, 2008. Please charge fees/surcharge which may be required by this paper, or credit any overpayment, to Deposit Account No. 16-2440.

Respectfully submitted,



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